IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5391 OF 2004

IN

CRIMINAL APPEAL NO. OF 2005

Ranjana Pandurang Nalawade ...Applicant

Versus

Nitin Bajirao Gaikwad & Anr. ...Respondents

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Mr.M.R.Suryawanshi for Applicant.

Mr.Rajan Salvi for Respondent No.1.

Ms.M.H.Mhatre, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 25, 2005.

P.C.

1. Inspite of notice, none appears for the Respondent No.1/accused. When the matter was called out in the morning session, Mr.Suryawanshi was requested to inform the concerned Advocate, who has entered appearance on behalf of Respondent No.1. He states that he met Mr.Rajan Salvi before

lunch break and informed him that the matter has been kept back and will be heard after lunch break. He submits that Mr.Rajan Salvi has told him to inform the Court that the matter be adjourned because he has some personal difficulty.

2. Even when the Advocate on record has personal difficulty and is present in Court to attend other Court proceedings, I see no basis as to why that Advocate should not appear before the Court when the matter is called out and was kept back only for that purpose. The attitude of the Advocate on record for Respondent No.1 is unacceptable.

3. As none appears for the Respondent No.1, I have no option but to proceed with the hearing for admission with the assistance of the Advocate for the Appellant. After having gone through the record, in my opinion, Appeal requires to be considered. Hence, leave to appeal granted. Admit.

A.M.KHANWILKAR, J.